

Appendix B

Order Denying Petition for Rehearing

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MARCHELLO DSAUN McCAIN,

Defendant-Appellant.

No. 18-50013

D.C. No. 3:15-cr-00174-W-1
Southern District of California,
San Diego

ORDER

Before: PAEZ and CLIFTON, Circuit Judges, and ENGLAND,* District Judge.

The panel has unanimously voted to deny the petition for rehearing. Judge Paez has voted to deny the petition for rehearing en banc, and Judge Clifton and Judge England so recommend.

The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App.

P. 35.

The petitions for rehearing and rehearing en banc (Docket Entry No. 37) are DENIED.

* The Honorable Morrison C. England, Jr., United States District Judge for the Eastern District of California, sitting by designation.